

# Board of Chosen Freeholders County of Burlington

P.O. BOX 6000

MOUNT HOLLY, NEW JERSEY

08060-6000



Office of:  
COUNTY FREEHOLDERS

Leah Arter / Director

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February 4, 2014

Senator Dawn Addiego  
New Jersey 8th District  
176 Route 70, Ste #13  
Medford, NJ 08055

**RE: PROPOSED AMENDMENTS TO NJS 40a:11-13(b)**

Dear Ms. Addiego:

The Burlington County Freeholder Board recently received objections on behalf of local farmers to strictly bidding leases for farming purposes of lands held by the County. In particular, a complaint arose concerning Crystal Lake, which was acquired by the County in 2007 from private owners with the intention of the 370 acre parcel being added to the County's park system, while also retaining an agricultural component. At the time of the sale in 2007, the tract was being farmed by a local farmer, Ralph Wainwright. Pursuant to NJS 40A:12-14.1, Mr. Wainwright was allowed to negotiate a lease to continue to farm the property for a period of two (2) years. At the expiration of the lease, the parcel was bid for farming purposes pursuant to NJS 40A:12-14, and Mr. Wainwright was the successful high bidder. However, in the most recent round of bidding Mr. Wainwright was unsuccessful. Mr. Wainwright and others on his behalf have contended that he should be allowed to continue because of the Wainwright family's long-standing relationship to the property.

In this connection, I would suggest that you consider sponsoring an amendment to NJS 40a:12-14.1 to delete the word "temporary". If accomplished, farmers who lease land for farming purposes from a private entity would be allowed to enter into negotiated leases with public entities purchasing such property which leases could continue, unless and until the public entity converts the property to a non-farming use.

Concern has also arisen that pursuant to NJS 40A:11-13, a public entity cannot favor local farmers in the bidding process. In this connection, I would suggest you consider sponsoring an amendment to NJS 40A:11-13(b) that would substitute the word "important" for the current statutory language "requisite". If this could be accomplished,

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it would provide Freeholders with enhanced discretion in evaluating the importance of promoting local farming when it comes to leasing publicly held lands for that purpose.

To assist you in your revisions, I enclose a copy of County Solicitor Nelson's opinion that current law requires awarding farm leases to the highest bidder without regard to their residence.

While we regret that we could not be of more assistance to local farmers under current law, we are hopeful that our proposed legislation or similar legislation can be enacted to address this important issue.

Thank you for your consideration of this request. If you require further details, please do not hesitate to contact me.

Sincerely,

Leah Arter, Freeholder Director